

### REMARKS

In the Office Action dated December 24, 2003, claims 1-45 were rejected. Claims 1-45 are now pending in the application. In view of the remarks and amendments, Applicant respectfully requests reconsideration of the application.

Claims 1-45 were rejected under U.S.C. § 102(e) as being anticipated by Janik et al.

Applicant has amended Claims 1, 15, 28, 33, 39, and 45 to include the limitation of:

wherein said marked data indicates a time and said  
marked data represents content that is broadcasted  
at said time

Applicant believes that Janik fails to teach a marked data that indicates a time and content that is broadcasted at the time indicated by the data mark.


Therefore, Janik does not anticipate Claims 1, 15, 28, 33, 39, and 45. Thus, independent Claims 1, 15, 28, 33, 39, and 45 are in condition for allowance. In addition, Claims 2-14 depend directly or indirectly on Claim 1 and therefore, are patentable for at least the same reasons discussed above. Claims 16-27 depend directly or indirectly on Claim 15 and therefore, are patentable for at least the same reasons discussed above. Claims 29-32 depend directly or indirectly on Claim 28 and therefore, are patentable for at least the same reasons discussed above. Claims 34-38 depend directly or indirectly on Claim 33 and therefore, are patentable for at least the same reasons discussed above. Claims 40-44 depend directly or indirectly on Claim 39 and therefore, are patentable for at least the same reasons discussed above.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all pending claims are in condition for allowance. Such allowance is respectfully requested.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact Richard H. Butler at (408) 223-9763.

Respectfully submitted,

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